

INTRODUCED May 2, 2011  
PUBLIC HEARING May 16, 2011  
COUNCIL ACTION May 25, 2011  
EXEC. ACTION May 26, 2011  
EFFECTIVE DATE July 26, 2011

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 5

Bill No. 28 -2011

Introduced by: The Chairperson at the request of the County Executive

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$27,110,869 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in prior calendar years which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon the assessable property in the Metropolitan District and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Introduced and read first time May 2, 2011. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 16, 2011.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

This Bill was read the third time on May 25, 2011 and Passed ☒. Passed with amendments ☐. Failed ☐.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 26th day of May 2011 at 11:00 a.m./p.m.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Approved by the County Executive May 26, 2011.

Ken Ulman  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1  
2 **Recitals**

3 In accordance with the provisions of Section 603 of the Charter of Howard County, Maryland  
4 (the "Charter"), the County Executive has submitted a proposed Capital Budget for fiscal year 2012 to the  
5 County Council of Howard County, Maryland, and, prior to the passage of this Act, the County Council  
6 has adopted a Capital Budget for the fiscal year ending June 30, 2012 (the "Capital Budget").

7 As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not  
8 exceeding \$27,110,869 to be used for (i) the financing and refinancing of certain water and sewer capital  
9 projects, specified and described in the Capital Budget (each a "Project", collectively, the "Projects"), and  
10 more particularly described in Appendix A attached hereto and incorporated herein, and (ii) payment of  
11 costs of issuance of any obligations issued to evidence such borrowing. Of such amount, \$10,730,869  
12 appropriated for certain of such Projects was previously authorized to be borrowed by the County during  
13 prior calendar years, as indicated in Appendix A in the column captioned "Amount to be Borrowed  
14 (Reauthorizations)", but such authorizations are expected to expire prior to the completion of such  
15 Projects or the sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is  
16 necessary that such borrowing be reauthorized ("Reauthorizations").

17 **Now therefore, in accordance with the provisions of Article VI of the Charter:**

18 **Section 1. Be it enacted by the County Council of Howard County, Maryland, That Howard**  
19 **County, Maryland (the "County") is hereby authorized and empowered to borrow on its full faith and**  
20 **credit, and issue and sell its bonds therefor, at one time or from time to time, an amount not exceeding**  
21 **\$27,110,869 the proceeds thereof to be used to finance and refinance the Projects more particularly**  
22 **specified and described in Appendix A attached hereto and in the Capital Budget; including for each**  
23 **Project, without limitation, the cost of planning, design, construction, reconstruction, furnishing,**  
24 **equipping, improvements, rehabilitation, remodeling, enlargements, engineering services, architects**  
25 **services, surveys, landscaping, site development, evaluation studies, land acquisition and related items,**  
**appurtenances and incidental activities. The Projects and the amount to be borrowed for each (including,**

1 without limitation, any Reauthorizations) are more specifically identified and described in Appendix A  
2 attached hereto.

3 Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such  
4 bonds.

5 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**  
6 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as  
7 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of  
8 the bonds authorized by this Act and described in Section 1 hereof, and all references to “bonds” or  
9 “obligations” in this Act shall include such bond anticipation notes, unless the context clearly requires a  
10 contrary meaning. It is intended that the aggregate principal amount of issued and outstanding bond  
11 anticipation notes when added to the aggregate principal amount of issued and outstanding bonds in  
12 anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in  
13 Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this  
14 Act relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if  
15 any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and  
16 the County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no  
17 longer exists.

18 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**  
19 That, in connection with the acquisition of real property as part of a Project, the County may incur all or  
20 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment  
21 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code  
22 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The  
23 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the  
24 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed  
25 for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to

1   “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the  
2   context clearly requires a contrary meaning.

3           **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**  
4   That the County Council of Howard County, by an ordinance or ordinances adopted from time to time in  
5   accordance with Article VI of the Charter and other applicable provisions of law, shall provide for (a) the  
6   issuance and sale of, (b) the maximum principal amount, designation, form, tenor and denomination or  
7   denominations of, (c) the dates of the first maturity and the last maturity (not more than 30 years after the  
8   date of issue) of, and (d) the interest rate or rates per annum (or the method of determining such rate or  
9   rates) payable on, any bonds or other obligations issued from time to time under this Act; and may by any  
10   such ordinance, or by separate resolution, provide that the issue of bonds or other obligations hereby  
11   authorized be consolidated with one or more other issues.

12           **Section 5. And be it further enacted by the County Council of Howard County, Maryland,**  
13   That for the purpose of paying the principal of and interest on such bonds or other obligations as the same  
14   shall become payable, the County Council of Howard County shall levy ad valorem taxes upon assessable  
15   property in the Metropolitan District and other available funds, together with benefit assessments, to pay  
16   the principal of and interest on such bonds or other obligations until all of such bonds or other obligations  
17   shall mature and be redeemed. In the event of a deficiency of such funds at any time while any of such  
18   Metropolitan District Bonds are outstanding, for the purpose of paying the principal of and interest on  
19   such bonds, the County shall promptly levy upon all legally assessable property within the Metropolitan  
20   District a tax or taxes in an amount or amounts sufficient to make up any such deficiency, and in the event  
21   the proceeds of such tax or taxes so levied shall prove insufficient, then the County shall levy ad valorem  
22   taxes upon all of the legally assessable property within the entire corporate limits of the County in rate  
23   and amount sufficient to pay the principal of and interest on such bonds. The full faith and credit and  
24   unlimited taxing power of the County are hereby irrevocably pledged to the payment of the principal of  
25   and interest on such bonds.

1           **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**  
2   That any bonds or other obligations issued from time to time under this Act are specifically exempt from  
3   the provisions of Article 31, Sections 9, 10 and 11 of the Annotated Code of Maryland, as amended, and  
4   any successor provision of law.

5           **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**  
6   That all bonds or other obligations authorized hereby shall be issued within four years from the date this  
7   Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such  
8   period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final  
9   maturity date of such notes.

10          **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**  
11   That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to  
12   the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will  
13   depend on various factors, including, without limitation, the timing and speed of progress on the Projects,  
14   the availability of other funds to pay such costs on an interim basis, bond and money market conditions  
15   and compliance with federal and State laws and regulations.

16          Accordingly, the County reasonably expects to reimburse costs of the Projects (as described  
17   herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations  
18   to be issued by the County in the maximum principal amount of \$27,110,869.

19          **Section 9. And be it further enacted by the County Council of Howard County, Maryland,**  
20   That this Act shall take effect sixty-one (61) days after its enactment.

## Sewer Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<b>S6175 FY2001 LITTLE PATUXENT PARALLEL SEWER</b> A project for the study, design and construction of the Little Patuxent Parallel Sewer.	\$1,222,484	
<b>S6253 FY2006 CARLEE RUN COURT SEWER EXTENSION</b> A project for the design and construction of 1,900 LF of sewer to serve properties located on Baltimore National Pike (US40).	860,000	
<b>S6260 FY2007 ROCKBURN HILL ROAD SEWER</b> A project to provide sewer service to properties along Rockburn Hill Road.	2,135,000	\$485,000
<b>S6265 FY2012 NEW CUT ROAD WATER and SEWER EXT</b> A project to design and construct 1,800 LF of sewer and 1,800 LF of water main to serve 8 properties on New Cut Road.		185,000
<b>S6273 FY2011 LITTLE PATUXENT INTERCEPTOR IMPROVEMENTS</b> A project to reline and repair the 10 1/2 miles of the original Little Patuxent Interceptor from the Water Reclamation Plant to MD Route 108.		10,000,000
<b>S6275 FY2012 DANIELS AREA PUMPING STATION</b> A project for the study, design and construction of a wastewater pumping station and force main to serve the Daniels Area east of Old Frederick Road.		100,000
<b>S6278 FY2012 OLD COLUMBIA ROAD WATER and SEWER</b> A project for the design and construction of 550 linear feet of water main and 250 linear feet of low pressure sewer in Old Columbia Road west of Harding Road to serve one property.		210,000
<b>S6698 ROUTINE SEWER EXTENSION PROGRAM</b> A project to design and construct routine sewer main extensions in the Metropolitan District requested by landowners.	<u>292,000</u>	<u>          </u>
<b>Sewer Projects – Reauthorizations/New Authorizations</b>	<b><u>\$4,509,484</u></b>	<b><u>\$10,980,000</u></b>
<b>Sewer Projects Total</b>		<b><u>\$15,489,484</u></b>

## Water Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<b>W8195 FY1994 ALBETH HEIGHTS WATER and SEWER</b> A project for the design and construction of approximately 8,100 LF of sewer main to serve the properties in Albeth Heights, and 5,700 LF of water main to loop the County water system to the Waverly Woods Development.	\$82,000	
<b>W8220 FY1998 SHARED WATER FACILITY IMPROVEMENTS</b> A project for the planning, design and construction of major water facilities, mains, pumping stations, reservoirs and treatment plants in the Baltimore City Central Water System.	1,000,000	
<b>W8263 FY2004 MARRIOTTSVILLE RD ELEVATED TANK</b> A project for the design and construction of a 1 million gallon elevated water storage tank, a pumping station and 6,000 feet of 12-inch water main to serve the elevation 630 and 730 water service zones.	100,000	
<b>W8269 FY2005 PARTICIPATION 3RD ZONE WATER SUPPLY</b> A project for the construction of major water transmission and distribution mains to convey water from Baltimore City to Howard County.	1,000,000	
<b>W8273 FY2008 CEDAR LANE WATER MAIN EXTENSION</b> A project to provide public water service to Cedar lane, between Freetown Road and Harriet Tubman Lane.	352,385	
<b>W8276 FY2007 SOUTHWEST TRANSMISSION MAIN REPLACEMENT</b> A project to assess the condition of 38,000 LF of 54-inch and 36-inch diameter water mains in Baltimore City, Baltimore County and Howard County and to relocate and/or replace defective or inadequate portions of pipeline.	3,000,000	
<b>W8284 FY2008 FIRE STATION 3 FIRE SUPPRESSION LINE</b> A project to provide a fire suppression line to Fire Station 3 On MD 99 at MD 32 in West Friendship.	335,000	
<b>W8286 FY2008 DUCKETTS LANE WATER MAIN REHABILITATION</b> A project to assess the condition of 12,500 LF of water main in the Ducketts Lane area between US Route 1 and I-95 and to rehabilitate or replace defective portions of main.	152,000	
<b>W8297 FY2010 KINDLER ROAD WATER MAIN</b> A project for the design and construction of 3,100 LF of 12-inch water main on Kindler Road from First League to Woodstream Way.		\$100,000
<b>W8300 FY2011 LEVERING AVENUE WATER MAIN</b> A project for the design and construction of 8,600 LF of 16 and 12-inch water main from Edgewood Road in the Patapsco State Park in Baltimore County to Levering Avenue in Howard County to US Route 1.		2,200,000

## Water Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<b>W8301 FY2012 GRACE DRIVE WATER MAIN LOOP</b> A project for the design and construction of 900 LF of 12-inch water main loop along Grace Drive (550 zone) to Quiet Night Ride (630 west zone).		\$370,000
<b>W8302 FY2012 NORTH RIDGE ROAD WATER MAIN</b> A project for the design and construction of 1,100 LF of 12-inch water main along North Ridge Road from Town and Country Boulevard to Carls Court.		530,000
<b>W8311 FY2011 US 40 WATER SERVICE MAIN REPLACEMENT</b> A project for the design and construction of 6,200 linear feet of 8-inch replacement water main within US Route 40 from US Route 29 to Dogwood Drive.		2,000,000
<b>W8312 FY2011 ROCKBURN HILL (CROSSVIEW RD) WATER MAIN</b> A project for the design and construction of 1,000 linear feet of 8-inch water main from the terminus of County owned Rockburn Hill Road, west to Crossview Road to serve 6 properties.		200,000
<b>W8698 ROUTINE WATER EXTENSION PROGRAM</b> A project to design and construct routine water main extensions in the Metropolitan District requested by landowners.	<u>\$200,000</u>	<u>          </u>
<b>Water Projects – Reauthorizations/New Authorizations</b>	<b><u>\$6,221,385</u></b>	<b><u>\$ 5,400,000</u></b>
<b>Water Projects Total</b>		<b><u>\$11,621,385</u></b>
<b>TOTAL REAUTHORIZATIONS/ NEW AUTHORIZATIONS</b>	<b><u>\$10,730,869</u></b>	<b><u>\$16,380,000</u></b>
<b>TOTAL AMOUNT TO BE BORROWED:</b>		<b><u>\$27,110,869</u></b>



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 26, 2011.

Stephen M. LeGendre  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council